

**SOUTH DAKOTA DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS
OFFICE OF SPECIAL EDUCATION**

**Lyman County School District
Continuous Improvement Monitoring Process Report 2001-2002**

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Dates of On Site Visit: February 6 - 8, 2002

Date of Report: May 20, 2002

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Office of Special Education. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Maintenance	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Lyman County School District's comprehensive plan for special education
- ? District policies
- ? Public service announcements
- ? State data
- ? School data

- ? Personnel, staff and administrative surveys
- ? Administrative records for children birth to five years and phone communications.

Promising Practice

The steering committee indicated that all staff were certified or in the process of becoming certified.

Maintenance

The steering committee stated that the Business Manager places public service announcements in the newspaper concerning child find activities and the school district ensures that screenings are provided.

Needs Improvement

The screening committee indicated a need to officially appoint someone to be in charge of child find. The committee also stated a need to use content standards in writing IEP goals. The committee indicated that the state raw scores used in gathering data on special education students would be more meaningful if they were reported in percentile rankings, which could be used more effectively. The steering committee indicated staff needed more training on special education issues. They also indicated a need for in-service training for non-certified staff, parents, family members and community.

Validation Results

Promising Practices

The Lyman School District has recently put together a handbook for special service personnel to provide technical assistance and consistency throughout the school district. This would include procedures, forms and resources for special education providers.

Maintenance

All of the Lyman County School District staff is presently certified or in the process of becoming certified. This is a regulatory expectation and the monitoring team has transferred this from the area of a promising practice into the area of maintenance. The monitoring team was in agreement with all of the maintenance areas listed.

The monitoring team could not validate the steering committee's concerns in regard to child find, rather find this to be an area of maintenance for the district. The Lyman County School District's comprehensive plan was reviewed, which stated that the superintendent would designate Three Rivers Cooperative to carry out child find activities. These activities were completed and supportive data included: contact being made with the Three Rivers Cooperative and two notifications of preschool screening being published, along with articles reviewing 504 and FERPA on August 20, 2001.

During the on-site interview process with regular and special educators they indicated that there were special education issues they could learn more about. In the interview, staff stated that the superintendent sent a memo to them at the beginning of the school year requesting their preferences for inservice training. Training and educational opportunities are posted for staff in the schools and the school district has a \$6,000 stipend for staff development. The Three Rivers Cooperative contracted to provide twelve hours of inservice a year and had recently provided training for para-professionals. The monitoring team could not validate that there was a lack of opportunity for in-service training, but the school district may wish to pursue training for additional audiences on topics as identified by the steering committees self assessment.

Areas that need improvement

Through the student file reviews completed onsite, the monitoring team found the district to be using the STAARS for students not participating in state and district-wide assessment. Goals and objectives written in the IEPs correlated to the objectives used for the STAARS and were based on state content standards. The goals and objectives written for other students with disabilities, however, related to the state content standards, but were not specifically tied to the content standards.

The special services staff indicated a need for more technical assistance. This need was validated by the monitoring team in accordance with the items listed in the out of compliance area. This data was gathered through staff interviews and file reviews completed onsite.

Areas out of compliance

Issues requiring immediate attention

24:05:17:03. Annual report of children served.

An IEP in effect as of the December 1, 2001, child count was not found for one (1) student. If an active IEP cannot be found for the December 1, 2000 child count, the district will be required to return the federal flowthrough funds that were received for this student.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Federal regulations
- ? State data
- ? Lyman County School District comprehensive plan
- ? Lyman County School District personnel handbook and student handbook
- ? Student IEPs
- ? Staff, student and parent surveys

Promising Practices

The Lyman School District always provides a free appropriate public education (FAPE) to students at public expense.

Maintenance

The steering committee indicated that special education services are provided to all students, birth to twenty-one years of age in the district. FAPE has always been available with the exception of students placed in out-of-school suspension. Parents are always given notification when students are suspended. The committee indicated that the placement in interim alternate education settings (IAES) do not exceed 45 days. The records for special needs students are always made available to parents or guardians.

Areas that need improvement

The steering committee stated that students had been expelled for more than 10 days, and in one individual case the district did not follow through with providing FAPE. They also indicated that for students placed in an interim alternative education settings, behavior issues were not addressed.

Areas out of compliance

Additional requirements apply when suspending students in need of special education or special education and related services. A suspension of more than ten consecutive school days is a change in placement and requires that prior notice be given to a parent, including the right to a due process hearing.

As soon as possible, but in no case later than ten school days after the date on which the decision to remove the student is made, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action. Based on the finding of this review, the student's program may need to be changed, and/or behavior plans addressed in order to better serve the student. The steering committee indicated that for one student there was no IEP meeting held after the 10th day of suspension and no manifestation determination was completed.

Validation Results

Maintenance

The steering committee indicated that the district always provides a free and appropriate public education for students at no cost to the parents. FAPE is a regulatory expectation and the monitoring team has transferred this from the area of a promising practice into the area of maintenance.

Areas out of compliance

24:05:26:01. Suspension from school.

24:05:26:09.03. Manifestation determination review requirement.

24:05:26:10. Application of ten-day rule.

The monitoring team validated that the district did not follow the regulatory procedures regarding suspension and expulsion. The monitoring team found suspension and expulsion to be out of compliance. Through examination of the student files, attendance records, and staff interviews it was evident that a student was expelled for more than ten days. Attendance records indicated the student was in out-of-school suspension on 2/23/01, 2/26/01, 2/27/01 and 4/20/01. On 4/24/01 the student was expelled for the remainder of the school year. There was no functional behavioral assessment or behavioral intervention plans written and no manifestation determination review following the 10th day of out of school suspension. On 5/3/01 an IEP meeting was held with the parent to indicate a change of placement, but no manifestation determination was provided. Through a review of student records and a staff interview the team could not identify any structure or procedures for dealing with suspension and expulsion issues in accordance with the federal regulations.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Lyman County School District comprehensive plan
- ? Federal regulations
- ? Personnel surveys
- ? Student file reviews
- ? Parent surveys
- ? State data
- ? Student data.

Promising Practices

The steering committee indicated that they obtain parent permission for initial evaluation.

Maintenance

The steering committee indicated that when students are assessed they have a multidisciplinary team involved in the evaluation process. They also seek parental involvement in planning evaluations and obtain consent to evaluate. The committee also indicated that they assess students in all areas of suspected disability. Tests are given to students in their native language and three-year reevaluations are completed within the timelines. Copies of evaluation reports are given to parents.

Areas that need improvement

Through the self-assessment process, the steering committee stated that not all evaluations were completed within the required 25 school days. The committee also indicated that students were dismissed from special services with out being evaluated and that additional behavioral assessments should have been provided.

Areas out of compliance

The steering committee stated that functional assessment had not been utilized as a part of the evaluation process until recently.

Validation Results

Maintenance

The steering committee, under promising practices, indicated that parent permission for initial evaluation was always received. The monitoring team has transferred this into the maintenance area, as it is a regulatory item. The monitoring team was in agreement with the maintenance area items of providing tests to students in their native language, reevaluations being completed within the three-year timeframe and copies of evaluations being given to parents.

The steering committee had indicated that all evaluations were not completed within twenty-five school days. In twelve files reviewed, all evaluations were completed within the twenty-five school days and the steering committee's concern could not be validated.

Areas out of compliance

24:05:25:04. Evaluation procedures.

24:05:25:06. Reevaluations

24:05:25:04.02. Determination of needed evaluation data.

24:05:30:02.01. Parent participation in meetings.

24:05:30:04. Prior notice and parent consent.

24:05:30:05. Content of notice.

A variety of assessment tools and strategies must be used to gather relevant functional and development information about the child, including information provided by the parents, that assists the team in determining whether the child is a child with a disability; and the content of the child's IEP. The monitoring team validated, through file review and staff interviews, that functional assessment was not being utilized for program development of the IEP. In twelve files reviewed, nine did not have functional assessment data or information.

A child must be evaluated before determining that the child is no longer a child with a disability. The monitoring team found that no reevaluation data was utilized as the basis for dismissal from services in the speech and language category. On 11/12/01 a student was dismissed from services and no evaluations were completed prior to the dismissal.

A child must be evaluated in all areas of suspected disability. The monitoring team validated that behavioral assessments were not being used, but behavioral goals were being written. In two student files reviewed, behavioral goals were written but no behavioral assessment were utilized to write the present levels of performance, or develop the annual goals. Through student file review and staff interview, the team validated that the students were not being evaluated in all areas of suspected disability.

As part of an evaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data, must determine whether the child has a disability, and determine whether the child needs special education and related services. The team must review existing evaluation data on the child, including evaluations and information provided by the parents of the child to make these decisions. Through student file review, the monitoring team validated that there was no documentation of parent involvement in the planning of evaluations for students.

Written prior notice must be given and parental consent received prior to any evaluation or reevaluation. This notice must include a description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal. The monitoring team found that assessments were given to students that were not listed on the prior notice for consent to evaluate. In two files reviewed it was validated that the Bender Gestalt was given, but prior notice for visual motor testing was not indicated. In one student file ability, achievement, adaptive, and behavioral social assessments were completed, but not listed on the prior notice to evaluate.

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child. There were meetings held discussing student eligibility and the student's parents were not given prior notice, nor were they in attendance at the meetings, which violates (ARSD 24:05:25:05.) This finding was validated through staff interview and student file reviews completed on-site.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Parent and student surveys
- ? Parental rights pamphlet
- ? Signed prior notices
- ? Student file review data
- ? Comprehensive plan for special education
- ? Personnel records
- ? State and federal data

Promising Practices

The district self-assessment indicated that the parental rights pamphlet is always given to parents. Surrogate parent issues are addressed in the Lyman County School District comprehensive plan.

Maintenance

Survey and file data show that the district completes the transfer of rights procedures. According to information in student files, consent is sought and the parental rights pamphlet is dispensed. 100% of the student files contain signed written notices. The district insures confidentiality and proper access to records. The district complies with complaint and due process procedures.

Areas that need improvement

The steering committee felt there could be more information available for parents pertaining to independent educational evaluations (IEE), such as cost, location, list of qualified testing agencies, etc.

Validation Results

Maintenance

Although the steering committee indicated, under promising practices, that the parental rights pamphlet is always given to parents and that the district has a comprehensive plan that covers the surrogate parent issues, these are regulatory items and have been moved into the maintenance category. The monitoring team was in agreement with the maintenance areas listed.

Areas that need improvement

The steering committee had indicated that there was a need for more information to be provided to parents concerning independent educational evaluations. The monitoring team validated that there were procedures listed in the district's comprehensive plan and staff indicated the Three Rivers Cooperative provides a list of evaluators. The steering committee had indicated a desire to have a list available at the Lyman County School District.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- ? State administrative rules
- ? Federal regulations
- ? Parental rights pamphlet
- ? Student file reviews
- ? Student, staff and administrative surveys

Promising Practices

The steering committee indicated that the individualized education program (IEP) is put into effect immediately after it is written.

Maintenance

The steering committee stated that the general education teachers are in agreement with the individual program plans being written and that the IEP is unique to each child. The committee indicated that the appropriate people are informed of meetings. Also, the parental notice contains the appropriate information and oral and written notice of meetings is given to parents. All components of the IEP are addressed and student's rights and transition services are addressed.

Areas that need improvement

The self-assessment results indicated that the IEP meetings do not always have the required members in attendance. The steering committee stated that the IEP team does not convene within 30 days after completion of evaluations. The committee also indicated that pertinent parent information is not always on the first page of the IEP and that the district is just starting to include the proper information necessary for writing the student's present levels of performance. Other areas of concern included: performance criteria and duration dates are not always recorded on annual goals, IEPs are not always reviewed annually, and agency representatives are not in attendance at appropriate IEPs.

Areas out of compliance

The steering committee indicated that the district does not always send progress reports on the student's IEP goals as required. The committee also noted that a smooth transition between the Birth to Three program and Part B of the Individuals with Disabilities Education Act, serving children three to twenty-one, is lacking in Lower Brule.

Validation Results

Maintenance

The steering committee had identified that IEPs were put into effect immediately upon being written as a promising practice. This is a requirement as per regulation, so the review team identified this as an area of maintenance. The monitoring team was in agreement with all other areas listed as maintenance.

Areas out of compliance

24:05:27:01.01 IEP team.

24:05:27:01.03. Content of individualized education program.

Through student file reviews completed onsite, and staff interviews, the following items were found to be out of compliance in the IEP area. When two files for students that were thirteen, but soon to be fourteen, were reviewed, there was no course of study listed in the IEP. In four student files reviewed there was no administrator at the IEP meeting. In six files reviewed there was no regular educator in attendance at the IEP meeting.

In the eight out of twelve files reviewed, the student's present levels of performance was not based on functional evaluation and did not target specific skills in the student's disability area. In reviewing these students' IEPs, the modification page did not specify the frequency, duration and location of accommodations. Through the staff interview process, it was validated that the staff did not distinguish between necessary modifications and instructional practices. The regular education staff did not receive a copy of the accommodations written in the IEP. Modifications being used for state and district-wide assessments were not consistent with modifications being utilized for regular programming; this was validated through onsite file reviews.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- ? State administrative rules
- ? District comprehensive plan for special education
- ? Student surveys
- ? Parent surveys
- ? Student file reviews

Maintenance

The steering committee indicated the district places students in the least restrictive environment possible, with the exception of several situations involving suspension and expulsion.

Areas that need improvement

The steering committee indicates that the general education teachers need to be involved in planning the supports needed for students to be successful in general education classroom. The committee also indicated that more effective behavior plans need to be developed and implemented to meet individual student needs.

Validation Results

Maintenance

The monitoring team validated, through student file review that the least restrictive environment was being made available, with the exception of suspension and expulsion, which is validated in the out of compliance area under Principle 2 - Free Appropriate Public Education.

Areas that need improvement

Issues concerning least restrictive were addressed under Principle 5, IEP.